

**ADOPTED RESOLUTIONS FOR 2009 WATER DISTRICTS 37 & 37M**

1. BE IT RESOLVED that hereafter the annual meeting of Water District 37, Big Wood River, and Water District 37M, Silver Creek and Little Wood River shall be held on the second Monday of January of each year.
2. BE IT RESOLVED that for the year 2009, a charge of \$40.00 shall be assessed each individual who owns a water right, whose share of the total budget is less than the above specified amount.
3. BE IT RESOLVED that the amounts payable by each ditch, canal company, or other water user, as shown by the approved budget, shall become due and payable on April 1st. and said amount, if not paid, shall bear a penalty of 10% and interest from that date until paid, at the rate of 1% per month.
4. BE IT RESOLVED that no ditch, canal company, or other water user shall have the right to demand and receive water, and the Watermaster shall not deliver to such person or persons, until the amount due and payable from such users, as fixed by the budget, has been paid.
5. BE IT RESOLVED that the Watermaster of these districts shall be in service for the full year, commencing on February 1st of each year and continuing until the following January 31st, or until his successor has been duly qualified and elected.
6. BE IT RESOLVED that the Deputy Watermaster for the Big Wood River, Water District 37, above Magic Reservoir, may remain in service for 12 months from the date of hire.
7. BE IT RESOLVED in accordance with Idaho Code 42-605A, that all non-consumptive Hydro Power water users shall be charged for 15% of the total amount of their water used for the year to pay the additional costs and expenses for Watermaster services for data collection, water measurement, delivery of water and administration.
8. BE IT RESOLVED in accordance with Idaho Code 42-605A, that all non-consumptive water users assessments, except Hydro Power, shall be based upon the total amount of their water delivery, the same as consumptive water users, to pay the additional costs and expenses for the Watermasters services for data collection, water measurement, delivery of water and administration costs.
9. BE IT RESOLVED that Kevin Lakey be elected Watermaster of District 37& 37M for the ensuing year beginning February 1, 2009

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and ending January 31, 2010, and that he be authorized to hire a full-time staff consisting of three deputies. The Watermaster may hire additional assistants as authorized in Idaho Code 42-609 in an emergency.

10. BE IT RESOLVED that Cyndi McCowan be elected Secretary-Treasurer, for Districts 37 & 37M for the ensuing year, beginning February 1, 2009 and ending January 31, 2010.

11. BE IT RESOLVED that the elected Treasurer of Water District 37 & 37M should only disburse monies from water district accounts upon a voucher approved by the Watermaster. All district checks can be signed either by the Treasurer or Watermaster, but must be co-signed by an Advisory Board Member. Frederic Brossy or Bob Esterbrook or Jerry Nance (or other named person) shall serve for the purpose of co-signing all district checks.

12. BE IT RESOLVED that the 2009 assessments be calculated over a five year average, according to Idaho Code 42-612 paragraph 5 which reads as follows:

Other provision of Chapter 6, title 42, Idaho Code, notwithstanding, water users at the annual meeting may provide by resolution that the respective amounts owed by each water user as shown in the adopted budget shall constitute a final determination of the amount due for that year without the need to carry forward any water user debits or credits to the following year.

13. BE IT RESOLVED that the Watermaster shall require lockable and controllable measuring devices to monitor the flows of water both from and back to the main source from which water has been delivered. He shall have the authority to investigate, enforce and act accordingly with the Code of the State of Idaho.

~~14. RESEARCH TO REBUILD DISTRICTS RECORDS~~

~~WHEREAS, water rights have been transferred, split, and otherwise moved around to parts of Basin 37 away from the original place of use, and have likewise been transferred to new purposes of use;~~  
~~WHEREAS, a comprehensive knowledge of the current and prior uses is a critical factor in the Water District's ability to properly administer water rights in Basin 37;~~  
~~WHEREAS, water rights in the upper part of Basin 37 if not properly administered could deprive senior water users throughout Basin 37 of their water supplies;~~  
~~WHEREAS, it is in the interests of all water users in Basin 37 to have all water usage properly cataloged and mapped, including those uses without valid rights and to learn where water spreading has occurred;~~

WHEREAS, historical records of Water Districts 37 & 37M were destroyed in an office fire in 1994 and complete records are essential to proper management of water rights within the districts;  
NOW, THEREFORE, BE IT RESOLVED, that Water Districts 37 & 37M wish to retain the services of an expert as an independent contractor and not as an employee of the Water Districts to research water rights records and provide mapping information to the Water Districts. The Water Districts authorize the expenditure of up to \$90,000 for the year 2008, to be included in the assessments pursuant to Idaho Code §42-612 (1). The expert's statements for work performed on behalf of the Water District shall be submitted to the Advisory Board through the Water Master for reimbursement by the Water District.

#### 15. INTERIM ADMINISTRATION

WHEREAS, Basin 37 is in an over appropriated basin and water delivery curtailment is a regular necessity in the Basin;  
WHEREAS, the Department of Water Resources has recommended water rights in Parts 1, 2 and 3 of Basin 37, in the Directors Report filed with Snake River Basin Adjudication (SRBA) Court, and the objection periods for water rights in Part 1, 2 and 3 has passed;  
WHEREAS, Idaho Code 42-1417 authorizes the Court in a water rights adjudication to order Interim Administration of water rights in accordance with the directors report, or as modified by the Court's Order;  
WHEREAS, under Idaho Code 42-1417 Interim Administration is appropriate when reasonably necessary to protect senior water rights;  
WHEREAS, the SRBA Court has previously ordered Interim Administration of water rights in Part 1 of Basin 37;  
WHEREAS, in the Court's Order granting Motion for Interim Administration in Part 1 of Basin 37, the SRBA Court noted that it was typical to order Interim Administration after the objection period has expired;  
WHEREAS, in this same Order the SRBA Court found that the available water supply in all or portions of Basin 37 surface water is not currently adequate to satisfy some senior water rights and is projected in the future to be inadequate to supply these water rights;  
WHEREAS, Interim Administration based on the Director's Report, as modified in the various subcases, would assist the Water Master in Delivering water and benefit the water users in communicating with the Water Master on allocation of the resource in times of scarcity;  
WHEREAS, in prior years some water users in Basin 37 have resisted administration by the Water Master and refused to abide by curtailment directives;  
WHEREAS, Interim Administration, based on the recommendations in the Director's Report is the fairest and most equitable way to administer water rights in the Basin, pending completion of the partial decree;

~~NOW, THEREFORE, BE IT RESOLVED, that Basin 37 Water District supports Interim Administration of all water rights in Basin 37 pending completion of the SRBA, requests that the Department of Water Resources or the State of Idaho file a motion for Interim Administration with the SRBA court, and in the absence of such a motion filed by the Department or the Sate, authorizes the Water District to file or to designate an appropriate representative to file such a motion requesting Interim Administration with the SRBA Court on behalf of the Water District.~~

16. BE IT RESOLVED the constituents of Water Districts 37 & 37M direct the Watermaster and Advisory Board members to collaborate with officials of the Idaho Department of Water Resources in establishing the authority of Water Districts 37 & 37M in regulating and monitoring all ground water diversions within Water Districts 37 & 37M excepting groundwater currently regulated in Water District 130.